PA Pipeline Fight Heads To Court

SCOTT BEVERIDGE, (Washington) Observer-Reporter

WASHINGTON, Pa. (AP) — Ron and Sallie Cox's house in North Strabane Township is nestled behind a lush forest they are fighting to protect from a new natural gas pipeline inching toward their property.

The couple are so adamant about preserving their land that they have found themselves among more than two dozen property owners in Washington County involved in a complicated legal battle challenging Sunoco Pipeline's right to cross their land.

"It's a disaster," Sallie Cox said last week as her attorney prepared their case against the Philadelphia-based company's claims it's a public utility and has a right to impose eminent domain powers to enter private property for the 50-foot-wide project.

Arguments in the Cox case will be heard Tuesday in Washington County Court, and its outcome likely will set the tone for how the others will play out as Sunoco constructs a 50-mile pipeline from Washington County to Delmont in Westmoreland County.

Sunoco began filing declarations of taking in Washington County Court last year, lawsuits that sought to condemn property and have the court approve the amount of bonds it needed to post to cover any damages.

President Judge Debbie O'Dell Seneca ruled the cases are too complicated to hear individually and consolidated them Nov. 11.

The Coxes then claimed they were being treated unfairly and challenged Sunoco's public utility status. Eight others involved in the case also countersued.

As a result, Washington County Judge Katherine B. Emery ruled the countersuits need to be settled before the company can proceed with condemnations, and she will proceed first with hearing arguments in the Cox appeal as to whether Sunoco is a public utility.

"The property owners have their full right to use their property as they wish," said Harrisburg attorney Michael F. Faherty, who represents the Coxes and nine other property owners.

Faherty argued in his Wednesday response to the court that Sunoco needs to obtain eminent domain authorization for the pipeline from the Federal Energy Regulatory Commission, claiming the state court has no jurisdiction in the case.

He said some of his clients don't want Sunoco to take their land, while others feel they have not been offered "persuasive enough prices."

The Coxes are among those who don't want the pipeline and have complained that they wouldn't be allowed to plant anything on the right of way and don't want to deal with the company spraying to maintain a clear path for the pipeline.

"I'm one of the people here who has the most to lose," said the Coxes' neighbor, Raymond Romanetti, who races horses and has yet to join the lawsuit.

"It's ridiculous that someone has to hire an attorney to protect their property," Romanetti said.

In Sunoco's Jan. 10 answer to the court, its attorneys argue it has eminent domain powers under FERC rules, which permit privately held companies to build an interstate pipeline, court records show.

This pipeline, named Mariner East, would connect to MarkWest Energy's gas-processing plant in Chartiers Township and hook up to an existing, nearly 20-year-old line crossing Pennsylvania into Delaware.

Range Resources of Southpointe is a partner and would ship ethane and propane in the pipeline from MarkWest, company spokesman Matt Pitzarella said.

"Obviously, it's an important project to us," Pitzarella said.

Sunoco states in court records it no longer wishes to voluntarily negotiate purchase prices for the unsettled cases due to the "anticipated delay" of the project.

Company spokesman Jeffrey P. Shields said Sunoco doesn't comment on pending litigation. When the project was announced in March Sunoco expected construction to be underway before the end of last year.

"We are in the process of clearing right of ways and flagging construction areas, and we started directional drills and boring this week," Shields said.

"We expect to begin installing pipe in the next two weeks," he added.

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